

ORDINANCE # 5-2011

CITY OF BATESVILLE, INDIANA

WHEREAS, the City of Batesville, Indiana (“the City”) currently has codes which restrict traffic and the use of vehicles on City streets.

WHEREAS, Indiana Code 36-1-3, et seq. authorizes local governmental units to exercise such powers necessary or desirable in the conduct of its governmental affairs granted by statute, or otherwise, to effectively discharge duties and to undertake such actions, not inconsistent with state law, in operating and conducting affairs of local interest; and,

WHEREAS, the City is currently the owner of 5 utility carts which are used by the City Utility departments, the operation of which is prohibited on the City streets.

WHEREAS, the Common Council of the City of Batesville, Indiana, has determined that it is not in the benefit of the City to leave the utility carts unutilized and it is therefore necessary to adopt a City ordinance to allow the use on City streets of the current 5 City owned utility carts, and only these 5 utility carts by City employees under certain conditions and restrictions.

WHEREAS, The Common Council of the City of Batesville has determined that it is in the best interest of the City to adopt an ordinance under its police powers and applicable state statutes, for the use, operation and parking of the 5 utility carts owned by the City.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Batesville, as follows:

SECTION 71 (“TRAFFIC RULES”) of the Ordinances of the City of Batesville Indiana is amended to include the following:

“Section 71.30 City Owned Utility Carts

- (A) For purposes of this Section, the term "Utility Cart" means a four (4) wheeled motor vehicle defined as a “off road vehicle” pursuant to IC 14-8-2-185.
- (B) Except as hereinafter otherwise provided, the operation or parking of Utility Carts as defined herein, whether powered by battery, fuel engine or otherwise upon the City’s roads, streets and thoroughfares, is and shall be prohibited, except insofar as such Utility Carts are registered, equipped and operated in full compliance with the following:
 - a. The Utility Cart must be currently registered to the City of Batesville and be used by City employees only in the furtherance of their duties.
 - b. The Utility Cart shall only be operated by full-time City employees who hold a valid current Indiana driver’s license.
 - c. The Utility Cart must be equipped with a rearview mirror, head lights, brakes, brake lights, turn signals, seat belts and a “Slow Moving Vehicle” sign affixed to the back of the utility cart. Utility carts may not be operated at night.
 - d. A utility cart may only be operated on a City road, street or thoroughfare for a limited duration conducted according to a prearranged detailed written schedule with the City Police Department.
- C. Violation of this ordinance will result in immediate suspension of use of any and all City Utility Carts.”

This Ordinance shall be in full force and effect upon adoption and publication.

Passed on first reading this 13th day of June, 2011 and finally adopted this 11th day of July, 2011.

Ayes: Struewing, Lambert, Narwold, Dreyer

Nays: 0

WHEREUPON, the Mayor declared such ordinance finally and legally adopted.

Richard C. Fledderman, Mayor

Ronald C. Weigel, Clerk-Treasurer